



PATENT
Docket No. P-9527.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Victor D. Dolecek, et al

Docket No.: P9527.00

Patent No.: 6,835,316

Date Issued: 12/28/2004

Art Unit: 1723

Title: CLAMSHELL BLOOD RESERVOIR HOLDER WITH INDEX LINE

**REQUEST FOR CERTIFICATE OF CORRECTION: CORRECTION OF
INVENTORSHIP IN PATENT PURSUANT TO 35 U.S.C. 256 AND 37 C.F.R. § 1.324**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Supervisory Patent Examiner Art Unit 1723

This is a request for correction of inventorship in the above-identified United States patent. David Malcolm was inadvertently omitted as an inventor for U.S. patent application Serial No. 09/833,233, filed April 9, 2001 (the "'233 application"), from which U.S. Patent No. 6,835,316 issued. The inventorship error of failing to include David Malcolm as an inventor of the patent occurred without any deceptive intention on the part of David Malcolm.

A Petition for Correction of Inventorship of Patent Application under 37 C.F.R. § 1.48(a) (the "Petition") was filed in the '233 application on August 23, 2004. A copy of the following is enclosed herewith: (i) the Petition; as well as the accompanying (ii) Consent of Assignee to Change Inventorship; (iii) Statement Under 37 C.F.R. § 1.48(a) from David Malcolm; (iv) Statement Under 37 C.F.R. § 1.48(a) from Victor D. Dolecek; (v) the corresponding transmittal and (vi) date-stamped postcard. A return, self-addressed postcard serves as *prima facie* evidence that any paper specifically identified thereon was received by the United States Patent and Trademark Office. M.P.E.P. § 503.

In the Petition, it was requested that the inventorship of the '233 application be corrected from that of Victor D. Dolecek to that of Victor D. Dolecek and David Malcolm. The Petition was entered, as evidenced by the Notice of Allowability for the '233 application (a copy

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enclosed). Thus, it is respectfully submitted that U.S. Patent No. 6,596,181 be corrected to show that the inventive entity is that Victor D. Dolecek and David Malcolm.

Pursuant to 37 CFR § 1.324(b)(3), this Request for Correction of Inventorship in a Patent is also accompanied by a statement from the assignee of the above-identified patent agreeing to the change of inventorship in the patent. The assignee statement agreeing to the change of inventorship is accompanied by a proper statement under 37 CFR § 3.73(b) establishing ownership.

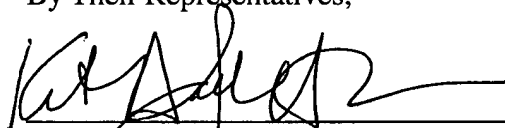
Please charge \$130.00 to Applicant(s) Deposit Account No. 13-2546 for the fee required by 37 C.F.R. §1.20(b). Please charge any additional fees or credit any overpayments to Deposit Account No. 13-2546.

Please send the Certificate of Correction to: **MEDTRONIC, INC.**
MS LC340
710 Medtronic Parkway
Minneapolis, MN 55432

Respectfully submitted,

Victor D. Dolecek, et al
By Their Representatives,

13 November 2006



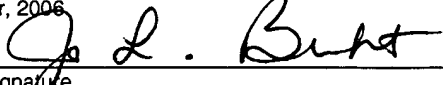
Katharine A. Jackson Huebsch
Reg. No. 47,670
(763) 391-9634
Customer No. 27581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRANSMITTAL

In re Application of: Dolecek, *et al.*
For: CLAMSHELL BLOOD RESERVOIR HOLDER WITH INDEX LINE
Serial No.: 09/833,233
Filed: 04/09/2001



13th day of November, 2006
CERTIFICATE UNDER 37 CFR §1.8 I hereby certify that this Transmittal and the paper(s), as described herein are being deposited with the United States Postal Service, with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this ____



Signature
Jo L. Brecht

Printed Name


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal (1 page);
- ☒ Request for Certificate of Correction: Correction of Inventorship in Patent Pursuant to 35 U.S.C. 256 and 37 C.F.R. § 1.324 (2 pages);
- ☒ Copy of each of the following papers from U.S. patent application Serial No. 09/833,233: Petition for Correction of Inventorship of Patent Application (37 C.F.R. §1.48) (2 pages), Consent of Assignee to Change of Inventorship under 37 C.F.R. § 1.48(a)(4) (1 page); Statement under 37 C.F.R. §1.48(a)(1) signed by David Malcolm (1 page); Statement under 37 C.F.R. §1.48(a)(1) signed by Victor D. Dolecek (1 page); together with corresponding transmittal (1 page) filed Aug. 23, 2004; date stamped return receipt postcard for same (1 page); and Notice of Allowability (~~1 page~~); *3 pages*
- ☒ Statement of Assignee to Correct Inventorship in a Patent Pursuant to 37 C.F.R. § 1.324(b)(3) (2 pages);
- ☒ Return Postcard (1 card)
- ☐ Please charge Deposit Account No. 13-2546
- ☒ Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

13 November 2006
Date



Katharine A. Jackson Huebsch, Reg. No. 47,670
Telephone: (763) 391-9634
Customer No.: 27581

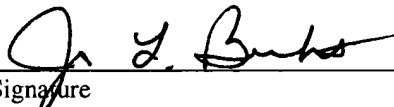


PATENT
Docket No. P-9527.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victor D. Dolecek, et al **Docket No.:** P9527.00
Patent No.: 6,835,316 **Date Issued:** 12/28/2004
Art Unit: 1723 **Application No.:** 09/833,233
Title: CLAMSHELL BLOOD RESERVOIR HOLDER WITH INDEX LINE

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: ATTN: Supervisory Patent Examiner Art Unit 1723 Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on this 15th day of November 2006.



Signature
Jo L. Brecht

Printed Name

**STATEMENT OF ASSIGNEE TO CORRECT INVENTORSHIP IN A PATENT
PURSUANT TO 37 C.F.R. § 1.324(b)(3)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Supervisory Patent Examiner Art Unit 1723

Dear Sir:

I, Jeffrey J. Hohenshell am making this statement on behalf of Medtronic, Inc., the assignee of the above-identified application. I hereby state that I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 3.73(b)(2)(i), to sign this statement.

Certificate under 37 C.F.R. § 3.73(b)

Medtronic, Inc., a corporation of the State of Minnesota, having a place of business at 710 Medtronic Parkway, Minneapolis, Minnesota, hereby represents that it is the exclusive owner of

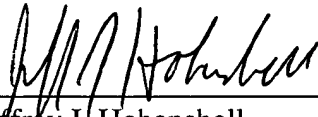
the entire right, title and interest in and to U.S. Patent No. 6,835,316 by nature of the assignment. recorded on October 26, 2006 on Reel 018440, Frame 0283 in the U.S. Patent and Trademark Office.

Pursuant to 35 U.S.C. § 256, Medtronic, Inc., the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,835,316, hereby consents to the change of inventorship of U.S. Patent No. 6,835,316 from that of Victor D. Dolecek to that of Victor D. Dolecek and David Malcolm.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Medtronic, Inc.

Date November 13, 2006

By: _____


Jeffrey J. Hohenshell
Reg. No. 34,109
Sr. Patent Counsel
MEDTRONIC, INC.
710 Medtronic Parkway
Minneapolis, MN 55432
Tel. 763.391.9661
Fax. 763.391.9668
Customer No. 27581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE AND AMENDMENT TRANSMITTAL

In re Application of: Victor D. Dolecek
 For: BLOOD CENTRIFUGE HAVING CLAMSHELL BLOOD RESERVOIR HOLDER WITH INDEX LINE
 Serial No.: 09/833,233
 Filed: 04-09-2001



CERTIFICATE UNDER 37 CFR §1.8 I hereby certify that this RESPONSE AND AMENDMENT TRANSMITTAL and the paper(s), as described herein are being deposited with the United States Postal Service, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23rd day of August, 2004.

Barbara J. Lakanen
 Signature
 Barbara J. Lakanen
 Printed Name

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Response and Amendment Transmittal
- ☒ Response and Amendment
- ☒ Petition For Correction of Inventorship Of Patent Application
- ☒ Consent of Assignee To Change Of Inventorship
- ☒ Statement Under 37 C.F.R. §1.48(a)(1) for Victor D. Dolecek
- ☒ Statement Under 37 C.F.R. §1.48(a)(1) for David Malcolm
- ☒ Assignment (copy)
- ☒ Executed Declaration and Power of Attorney
- ☒ Terminal Disclaimer
- ☒ Return Postcard

FEE CALCULATION:

FEE CALCULATION	No. of Claims Filed After Amendment	No of Claims Previously paid for	No. of Extra Claims	Rate	Fee
Total Claims				x 18	
Independent Claims				x 84	
Multiple Dependent Claims				+ 280	
TOTAL					

- ☒ Applicant hereby petitions for one months' extension of time. If an additional extension of time is required, please consider this petition therefor.
- ☒ Please charge Deposit Account No. 13-2546 \$130.00 for Petition For Correction of Inventorship Of Patent Application, \$110.00 for Terminal Disclaimer and \$110.00 for extension of time for a TOTAL OF \$350.00
- ☒ Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.
- ☐ Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.

Aug. 23, 2004
 Date

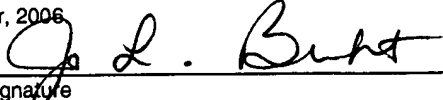
Jeffrey J. Hohnshell
 Jeffrey J. Hohnshell, Reg. No. 34,109
 Telephone: (763) 391-9661
 Customer No.: 27581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRANSMITTAL

In re Application of: Dolecek, *et al.*
 For: CLAMSHELL BLOOD RESERVOIR HOLDER WITH INDEX LINE
 Serial No.: 09/833,233
 Filed: 04/09/2001



CERTIFICATE UNDER 37 CFR §1.8 I hereby certify that this Transmittal and the paper(s), as described herein are being deposited with the United States Postal Service, with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of November, 2006.


 Signature
 Jo L. Brecht
 Printed Name


Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

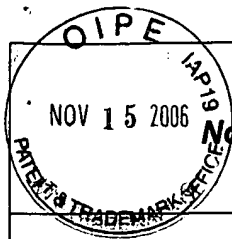
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal (1 page);
- ☒ Request for Certificate of Correction: Correction of Inventorship in Patent Pursuant to 35 U.S.C. 256 and 37 C.F.R. § 1.324 (2 pages);
- ☒ Copy of each of the following papers from U.S. patent application Serial No. 09/833,233: Petition for Correction of Inventorship of Patent Application (37 C.F.R. §1.48) (2 pages), Consent of Assignee to Change of Inventorship under 37 C.F.R. § 1.48(a)(4) (1 page); Statement under 37 C.F.R. §1.48(a)(1) signed by David Malcolm (1 page); Statement under 37 C.F.R. §1.48(a)(1) signed by Victor D. Dolecek (1 page); together with corresponding transmittal (1 page) filed Aug. 23, 2004; date stamped return receipt postcard for same (1 page); and Notice of Allowability (~~1 page~~); 3 pages
- ☒ Statement of Assignee to Correct Inventorship in a Patent Pursuant to 37 C.F.R. § 1.324(b)(3) (2 pages);
- ☒ Return Postcard (1 card)
- ☐ Please charge Deposit Account No. 13-2546
- ☒ Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

13 November 2006
 Date


 Katharine A. Jackson Huebsch, Reg. No. 47,670
 Telephone: (763) 391-9634
 Customer No.: 27581



Notice of Allowability

Application No.

09/833,233

Examiner

Joseph W. Drodge

Applicant(s)

DOLECEK, VICTOR D.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment & Terminal Disclaimer filed August 26, 2004.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 09 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>0904</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Hohenshell on August 28, 2004.

The application has been amended as follows: In claim 4, in line 1 "when" has been deleted.

In view of the papers filed August 26, 2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding the inventor .

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected to include both Victor Dolecek and David Malcolm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

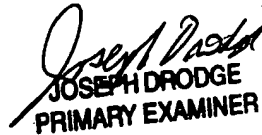
Art Unit: 1723

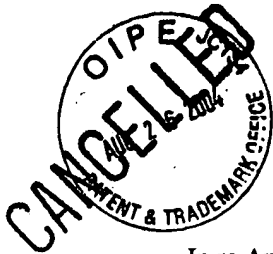
examiner's supervisor, Wanda Walker, can be reached at 571-272-1151. The fax phone number for the examining group where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

September 28, 2004


JOSEPH DRODGE
PRIMARY EXAMINER



PATENT
Docket No. P-9527.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Victor D. Dolecek et al.

Serial No.: 09/833,233
Filed: April 9, 2001

For: BLOOD CENTRIFUGE HAVING
CLAMSHELL BLOOD RESERVOIR
HOLDER WITH INDEX LINE

Group Art Unit: 1723

Examiner: Joseph W. Drodge

CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP
UNDER 37 C.F.R. § 1.48(a)(4)

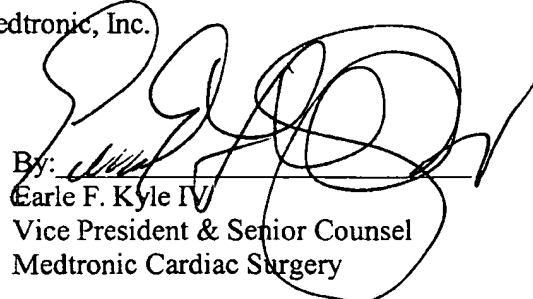
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Medtronic, Inc., the assignee of the entire right, title, and interest in U.S. Patent Application No. 09/833,233 hereby consents to the accompanying Petition and Fee to Amend Inventorship Under 37 C.F.R. § 1.48(a).

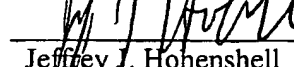
Medtronic, Inc.

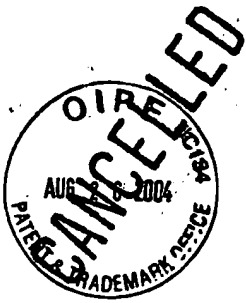
Date 8/23/04

By: 
Earle F. Kyle IV
Vice President & Senior Counsel
Medtronic Cardiac Surgery

Registration Number 34,109	Telephone Number 763-391-9661
Date August 23, 2004	

Respectfully submitted,

By 
Jeffrey J. Hohenshell
Senior Patent Counsel



PATENT
Docket No. P-9527.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Victor D. Dolecek et al.

Serial No.: 09/833,233
Filed: April 9, 2001

For: BLOOD CENTRIFUGE HAVING
CLAMSHELL BLOOD RESERVOIR
HOLDER WITH INDEX LINE

Group Art Unit: 1723

Examiner: Joseph W. Drodge

STATEMENT UNDER 37 C.F.R. §1.48(a) (1)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This statement is being submitted in support of a petition to correct inventorship under 37 C.F.R. § 1.48. A combined declaration and power of attorney listing my name in addition to the other inventor in this application Victor D. Dolecek was signed by me contemporaneously herewith. A copy of the signed declaration is attached hereto.

I, David Malcolm, was omitted from the original list of inventors for this application, and am now being added as an inventor. I hereby state and declare that the error in inventorship occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

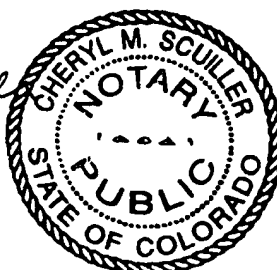
David Malcolm

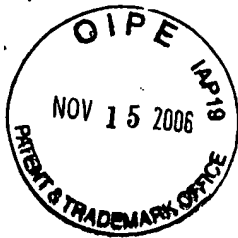
8-16-04

Date

Cheryl M. Sculler
8-16-04

My Commission Expires 05/15/2007





PATENT
Docket No. P-9527.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Victor D. Dolecek et al.

Serial No.: 09/833,233
Filed: April 9, 2001

For: BLOOD CENTRIFUGE HAVING
CLAMSHELL BLOOD RESERVOIR
HOLDER WITH INDEX LINE

Group Art Unit: 1723

Examiner: Joseph W. Drodge

STATEMENT UNDER 37 C.F.R. §1.48(a) (1)

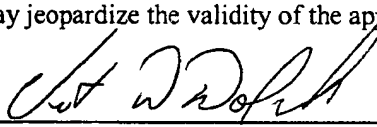
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This statement is being submitted in support of a petition to correct inventorship under 37 C.F.R. § 1.48. A combined declaration and power of attorney listing my name in addition to the other inventor in this application David Malcolm was signed by me contemporaneously herewith. A copy of the signed declaration is attached hereto.

David Malcolm was omitted from the original list of inventors for this application, and is now being added as an inventor. I hereby state and declare that the error in inventorship occurred without deceptive intention on my part.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



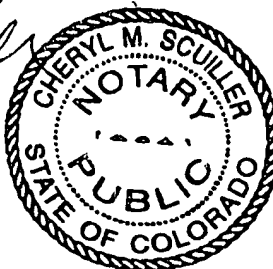
Victor D. Dolecek et al.

8-16-04

Date


8-16-04

My Commission Expires 05/15/2007





PATENT
Docket No. P-9527.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

Victor D. Dolecek et al.

Serial No.: 09/833,233
Filed: April 9, 2001

Group Art Unit: 1723

Examiner: Joseph W. Drodge

For: BLOOD CENTRIFUGE HAVING
CLAMSHELL BLOOD RESERVOIR
HOLDER WITH INDEX LINE

PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT APPLICATION
(37 C.F.R. §1.48)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition for correction of error in a nonjoinder of an inventor in the above issued patent application. It is respectfully requested that the PTO issue a certificate correcting the error.

Enclosed herewith is (pursuant to 37 C.F.R. §1.48):

- a. A statement from David Malcolm, who is being added as an inventor.
- b. A statement from Victor D. Dolecek, agreeing to the change in inventorship.
- c. A declaration from inventors Dolecek and Malcolm.
- d. A written consent of the assignee, Medtronic, Inc.
- e. A copy of an assignment from Dolecek and Malcolm to the assignee, Medtronic.

08/27/2004 EHAILE1 00000007 132546 09833233

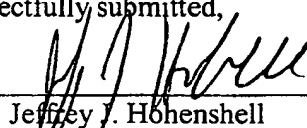
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Respectfully submitted,

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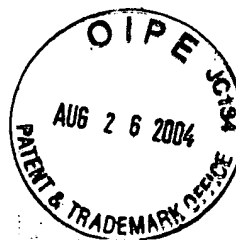

Jeffrey J. Hohenshell
Senior Patent Counsel

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